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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,027	10/31/2003	Kazuo Okada	SHO-0043	1099
23353 7590 08/10/2011 RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036				
EXAMINER				
HSU, RYAN				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/697,027

Applicant(s)

OKADA, KAZUO

Examiner

RYAN HSU

Art Unit

3716

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20 and 22-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20 and 22-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

In response to the amendments filed on 6/15/2011, no claims have been amended. Claims 20 and 22-42 are pending in the current application.

Response to Arguments

1. Applicant's arguments filed 6/15/2011 have been fully considered but they are not persuasive. Applicant's representative argues that the claims of the instant invention are allowable over the prior art of record as the "Diffusion Layer" lacks the claimed "openings" and "discrete viewing areas". The applicant's representative cites that Muir's teaching is very specific about each layer including openings [64] in housing and zones [78] in the shutter [76]. The applicant's representative interprets the Examiner's rejection as making an additional "leap" by suggesting that Muir's inherent diffusion layer on the backlighting also "must inherently or (obviously) have the claimed openings or discrete viewing areas in it". Moreover, the applicant's representative states that because Muir's reference does not specifically teach the openings in a diffusion layer and that the motivation to combine is similar to the applicant's own disclosure the current rejection is based on improper hindsight reconstruction of the claims as the blueprint for the rejection (*see "Remarks/Arguments" of pg. 10 in applicant's response filed 6/15/2011*). While the applicant's representative suggest that the principle of inherency has been improperly applied with respect to the claims the Examiner respectfully disagrees with the applicant that the use of openings in a diffusion sheet as taught by the prior art renders the claims allowable. The Examiner attempts in response to applicant's arguments to further clarify the rejection of Muir, Ohta, and further in view of Uchiyama.

2. Applicant claims that Muir is a rigid display layering set up and therefore does not allow for change and modifications. In this circumstance the implementation of a diffusion sheet or light guiding plate is not a change or modification of the Muir reference. These elements are basic elements of the disclosed LCD display device. The reasoning taken by the applicant's representative by narrowing the scope of Muir's does not change the teachings provided by Ohta. Such a rationale is proper for an obviousness type rejection as it is to be viewed from a person of ordinary skill in the art. This stated level of ordinary skill is also a person of "ordinary creativity, not an automaton" (*see 2141.03 citing KSR v. Telflex* 82 USPQ 2d 1385, 1397 (2007)). The examiner now details the rationale for the rejection as follows: Muir discloses the use of a symbol display device behind an image display device. The image display device disclosed is an LCD display. The prior art of Ohta, teaches that an LCD display comprises a back light device and an LCD panel. The LCD display unit is further made up of the following elements, a diffusion sheet (6), a light guiding plate (1), a reflection sheet (2), and a cathode tube (5) that provides the light source for the display device as is details in the included figure 1.

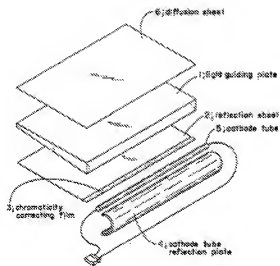


FIG. 1

3.

4. It is through this teaching that shows how Muir's disclosed LCD display incorporates the claimed elements of a diffusion sheet and light guiding plate through the use of an LCD display. Therefore the claim limitations are simply a recitation of known elements performing functions encompassed by an LCD display to produce the expected result of presenting game elements onto an image display device.

5. The applicant further argues that there is no suggestion to combine the references and that the motivation to combine the references with respect to the "openings" was derived from the applicant's specification. The examiner respectfully disagrees. "There are three possible sources for a motivation to combine references: the nature of the problem to be solved, the teachings of the prior art, and the knowledge of persons of ordinary skill in the art." *In re Rouffet*, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457-58 (Fed. Cir. 1998). In this circumstance the nature of the problem to be solved is an obstruction of symbols by another display device disposed in front of the symbol display device. The motivation is thus derived from the teachings of the prior art and

the knowledge of persons of ordinary skill in the art. The implementation is not a new or unexpected result. For example, as if you place multiple objects in front of one another, by cutting an opening into that object it will produce the expected result of reducing the obstruction and therefore creating a clearer visual field for a user. To further augment the Examiner's position, one of ordinary skill in the art is also motivated to produce openings in the diffusion sheet and light guiding plate to reduce use of materials or other cost cutting measures which are motivations that are not presented in the applicant's specification. Any of these motivations could lead a person to render openings in a diffusion sheet and light guiding plate to produce the expected result of saving materials or in the alternative to reduce an obstructed view in the visual display of the gaming device. For at least these reasons, the Examiner maintains his position that the prior art of Muir, Ohta, and Uchiyama renders the claims of the instant invention obvious as the modifications claims by the applicant's limitations would not produce an unexpected result. Muir teaches the use of a symbol display device and an image display device and the additional contested elements of the applicant's representative (ie: diffusion sheet and openings in the light guiding plate) are no more than a recitation of known elements and/or methods of implementation that are old and well known in the display arts.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 20, 22-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miur et al. (US 2005/0192090 A1) and Ohta (US 5,673,128) and Uchiyama et al. (US 6,638,165 A).**

8. Regarding claims 20, 24, 28, and 33, Miur et al. teaches a gaming machine comprising: a variable display device for variably displaying symbols (*see [0006-0012]*). Additionally, Muir discloses a front display device disposed in front of the variable display device wherein the front display device includes a transparent liquid crystal display panel through which the variable display device is able to be seen (*see element 16 of Fig. 8*). This is shown through Muir's incorporation of light transmitting symbol which can appear through the transparent LCD display device, which comprises of the light crystal display panel and a backlighting panel, may display symbols in place of the symbols on the variable display device (*see Figs. 6-7 and the related description thereof, [paragraph [0011, 0018, 0022-0029], [0051-0053]]*). This creates the effect of the front display device to display the image for effect on a portion of the display window. Therefore, Muir teaches a transparent liquid crystal display panel for display an image for effect while transparently displaying the symbols of the variable display device. The display device taught by Muir does not specifically teach a light guiding plate disposed between the transparent liquid crystal display panel and the variable display device, the light guiding plate for guiding light from a lateral of the light guiding plate to a rear side of the transparent display panel the light having been emitted from a light source via the backlighting panel (*see Fig. 8 and the related description thereof, paragraph [0017-0020], [0054-0064]*). However, the backlighting panel of an LCD display incorporates these elements in order to illuminate the lcd panel so that the image may be viewed by a user (*see Ohta for teaching*). Furthermore, Muir teach a rear

holder (*see element '60' and '64' of Fig. 8 and the related description thereof*) for holding the transparent liquid crystal display panel and the light guiding plate and an illumination part disposed at a rear side of the rear holder so that that symbols on the variable display are aligned at a position corresponding to the display window of the front display device and the openings for transparently displaying the symbols of the variable display device are within the display window of the front display device (*see Fig. 8 and the related description thereof*). It is generally well known in the arts that a holder may be used to mount the display device in the proper position so that it will be attached to the game machine housing. However, Muir is silent specifically describing a light guiding plate and a rear holder to be provided with openings respectively at a position corresponding to the display window. Although Muir does not specifically teach physical openings these windows serve as openings within the plate in order to produce the expected result of provide a clear view to the symbols for the user (*see paragraph [0014-0017]*). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate providing openings into different elements to produce the expected result of clearing an obstructed view when different displays are placed in front of one another. Additionally, Muir teaches an illuminating part that illuminates the display window of the front display device through the openings of the light guiding plate and the rear holder and illuminates the symbols variably displayed on the variable display device in the form of a backlighting arrangement including a transparent panel [85] which includes a pair of illuminating elements [86] that are used to further enhance the display device (*see paragraph [0066-0067]*). Muir teach that the illuminating layer forms a light guiding plate that provides an opening in an area in which the symbols on the variable display device are displayed through the

transparent LCD display so as to decrease obstacles between the transparent liquid crystal display panel and the variable display device in order to ensure visibility of the symbols.

However, Muir is silent with respect to producing an effect on a portion other than the display window and the specific use of a diffusion sheet incorporated into an LCD display.

9. In the LCD display arts, Ohta teaches a back light device of a liquid crystal display that includes illumination elements and teaches a schematic arrangement of a back light device that positioned behind the back face of an LCD panel and a diffusion sheet that is laminated between the lcd panel and the back light device. The diffusion sheet is taught to uniformly diffuse a light emitted from the back light device on the whole face of the LCD panel and a reflecting plate holder is provided in order to fix the reflecting plate to the rear side of the base of the light guiding plate (*see col. 7: ln 5-18*). One would have been motivated to look towards Ohta to understand the state of the display arts and the elements of an LCD display device. However, Muir and Ohta are silent with respect to producing an effect on a portion other than the reel display window.

10. In an analogous gaming patent, Uchiyama teaches another example of a gaming machine that comprises two displays that are placed one in front of the other. Uchiyama teaches that one display is a mechanical or physical reel system while the other is video display device (*see Fig. 8(a-c) and the related description thereof*). Uchiyama teaches in addition to the features of Muir a video display device is capable of displaying light transmitting symbols that can variably move about the screen and display effects that are in an area other than where the symbols are displayed using a variable display device(*see col. 12: ln 21-col. 13: ln 40*). Furthermore, Uchiyama specifically teaches the a front display device to display the image for effect on a

portion other than the display window, where symbols formed on a variable display device are displayed by a reel display and images for effect are display on the transparent liquid crystal display panel. One would be motivated to incorporate the features of Uchiyama with that of Muir in order to create a more stimulating visual experience for the user. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Muir with that of Uchiyama as it would not change the physical capabilities of Muir invention but would add an element that is known in the arts as creating a more visually stimulating experience.

11. Regarding claims 22-23, 34-37, 38-40, Muir in view of Ohta teach a gaming machine where the diffusion sheet disposed between the transparent liquid crystal display panel and the light guiding plate, the diffusion sheet disposed between the transparent liquid crystal display panel and the light guiding plate, the diffusion sheet for diffusing the light toward the transparent liquid crystal display panel (*see Ohta, col. 7: ln 5-18*), the light having been guided by the light guiding plate and the rear holder, the diffusion sheet provided with an opening corresponding to the opening of the light guiding plate so that the symbols on the variable display device are displayed on the transparent liquid crystal display panel through the opening of the light guiding plate (*see Fig. 8 and the related description thereof*). Additionally, Muir teaches a gaming machine that includes a rear holder that has a function of reflecting on the transparent liquid crystal display panel, the light emitted from the light source to the lateral of the light guiding plate (*see element [78, 64, 60, and 80] of Fig. 8 and the related description thereof*). Furthermore, Muir teaches a variable display unit that contains all the limitations of the instant claims however they are not necessarily in the direct order in which the current limitations have

specified such as an illumination part disposed between the rear face of the light guiding plate. Such differences do not effect the effect between the prior art and the instant invention. For example, having a light source layer either before or after or lateral to the light guiding plate would not affect the overall output or create a novel appearance created by such a design with respect to the illumination plate that would produce an unexpected result. Therefore it would have been an obvious matter of design choice to one of routine skill in the art to select where the light source layer would occur. Furthermore, the front display and variable reel display are capable of performing the limitations directed towards aligning the panel with the discrete viewing areas or with respect to the reels are understood by the openings provided in [76] and [60] of Fig. 8 and the related description thereof of Muir. Additionally, the instant claims are directed towards attributes that are inherent with a light guiding plate. When a solid object is placed in front of a lighted area, only the places where an opening exists will light be projected out of the source. Thus it would have been obvious to one of ordinary skill in the art to produce the expected result that using a light guiding plate would allow for the light to reveal the reels would be projected to provide the user the ability to see the reels of a gaming machine.

12. Regarding claims 25-27, 29-31, 37-38, Muir teaches a gaming machine wherein the plurality of discrete viewing areas are openings, in a rectangular shape, and displays game effects of the wagering game.

13. Regarding claims 32 and 41, Ohta teach a light source positioned to emit the light guiding layer (*see col. 5: ln 60-col. 6: ln 11*).

14. Regarding claim 42, Muir teach a liquid crystal panel that displays a game effects of the wagering game (*see paragraph [0053]*).

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN HSU whose telephone number is (571)272-7148. The examiner can normally be reached on 9 :00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571)272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/
Supervisory Patent Examiner, Art Unit
3716

RH
August 3, 2011